

Applicant: Cong Thanh DINH
Application Serial No.: 10/764,105
Filing Date: January 23, 2004
Docket No.: 577-614
Page 2

REMARKS

Claims 6-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,927,039 to McNab. This determination is respectfully traversed.

Claims 6-12 of the present application are substantially similar to the claims as filed. In a first Office Action in the present application dated May 27, 2004, the Examiner rejected the claims under 35 U.S.C. §102(b) as being anticipated by McNab. In a response filed on September 13, 2004, applicant made certain amendments as to formalities. In addition, arguments were presented supporting the position that the claims are not anticipated by McNab. In a subsequent Office Action, mailed on October 26, 2004, the Examiner again rejected claims 6-12 as being anticipated, but this time by U.S. Patent No. 2,989,206 to McAfee. The Examiner specifically removed the rejection based on the McNab reference. Claims 6-12 presented herewith have not been further amended. Therefore, it is not understood why the Examiner has reinstated the McNab anticipation rejection.

Notwithstanding the above and as clearly pointed out to the Examiner in the response to the first Office Action, McNab fails to anticipate the independent claims of the present application.

Applicant: Cong Thanh DINH
Application Serial No.: 10/764,105
Filing Date: January 23, 2004
Docket No.: 577-614
Page 3

With respect to claim 6, a reversible bracket is recited for attachment to the open front face of an outlet box. The bracket comprises a planar flange having opposed surfaces. One of the opposed surfaces is attachable to the open front face of the box in a first position while the other of the opposed surfaces is attachable to the open front face of the box in a reversible second position.

As is clearly shown in the drawings of the McNab reference, flange 14, which the Examiner equates to the claimed flange, is not attachable to the open front face of the outlet box. The Examiner specifically refers to Figures 3-5 which shows the McNab bracket 12 and the outlet box 10. As can be plainly seen, the flange 14 is at all times spaced from the open front face of the box and in neither position is the flange attachable to the open front face of the box as is required in claim 6.

In addition, the Examiner cites to the McNab specification, as well as a sketch labeled "A" that the Examiner submitted. With respect to the reference to the McNab specification, column 2, lines 65-68, column 3, lines 1-5, recites as follows:

At each corner edge is a corner block 22 with a bore 28 therethrough dimensioned to pass through a screw (not shown) that is of a size to engage the threads of holes 27.

Applicant: Cong Thanh DINH
Application Serial No.: 10/764,105
Filing Date: January 23, 2004
Docket No.: 577-614
Page 4

Depending on the thickness of wall covering to be accommodated either first face 23 or second face 26 abuts the open face of receptacle 10. FIG. 4 shows the configuration for use with a $\frac{1}{2}$ inch of wall covering while FIG. 4 is used for a 1 inch covering.

This passage from McNab does not clearly disclose that the flange is attached to the open front face of the box. Clearly, what is shown in Figures 3, 4 and 5 is that the distal edge of the bracket (first and second faces 23, 26) is the portion which is attached to the open front face of the box, not the flange 14. The flange at all times remains spaced from the open front face of the box and, therefore, is not attached thereto as required by claim 6.

Sketch "A" submitted by the Examiner is merely a labeled drawing of Figure 5 of McNab and, therefore, does not show, in any respect, the limitations set forth in claim 6.

As has been noted previously to the Examiner, applicable law requires that for a reference to be anticipatory, each and every element of the claimed invention must be found within the allegedly anticipatory reference. As claim 6 recites, *inter alia*, a flange attachable to the open front face of the outlet box and as McNab clearly fails to show such attachment, claim 6 of the present application is not anticipated by McNab. Accordingly, claim 6, as well as claim 7 which depends therefrom, is deemed to be patentably distinct over McNab.

Applicant: Cong Thanh DINH
Application Serial No.: 10/764,105
Filing Date: January 23, 2004
Docket No.: 577-614
Page 5

With respect to claim 8, a bracket for attachment to an electrical box is recited. The bracket includes a generally planar flange positionable on an upper edge of the side wall of the box for spanning the open face of the box. Claim 8 clearly recites that the planar flange must be positionable on the upper edge of the side wall of the box.

As noted above, McNab fails to show its planar flange 14 positioned on the open front face of electrical box. None of the figures noted by the Examiner in McNab shows such an arrangement. Moreover, the specification of McNab fails to describe such an arrangement. Failing to disclose, *inter alia*, this limitation of claim 8, claim 8 cannot be anticipated by McNab. It is therefore respectfully submitted that claim 8, as well as claims 9 and 10 which depend therefrom, is patentably distinct thereover.

Finally, with respect to claim 11, a method of attaching an electrical box is recited. The method includes providing a bracket having a generally planar flange. The method also requires attaching the bracket to the electrical box over the front face of the box with one of the first or second extending walls extending into the box interior.

McNab provides a box bracket having a planar flange 14 and oppositely extending walls 13 and 17. While the bracket is reversible, in each of the reversible positions shown in Figures 3 and 4, neither of the extending bracket walls 13 or 17 extend into the box interior. In fact, the

Applicant: Cong Thanh DINH
Application Serial No.: 10/764,105
Filing Date: January 23, 2004
Docket No.: 577-614
Page 6

edges (faces 23 and 26) of the extending walls abut against the upper edge of the side wall of the box and, therefore, physically cannot extend into the box interior.

None of the figures of McNab, particularly Figures 3-5 referred to by the Examiner, nor the noted portions of the specification, nor, in fact, the sketch prepared by the Examiner, show either of the oppositely extending walls of the McNab bracket extending into the interior of the box 10.

Again, lacking an element of claim 11, McNabb cannot be anticipatory thereof. Accordingly, claim 11 as well as claim 12 which depends therefrom is believed to be patentably distinct over McNab.

In summary, it is respectfully submitted that again applicant has successfully demonstrated why the McNab reference does not anticipate claims 6-12 of the present application. Accordingly, the application, including claims 6-12, is believed to be in condition for allowance. Favorable action thereon is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if

Applicant: Cong Thanh DINH
Application Serial No.: 10/764,105
Filing Date: January 23, 2004
Docket No.: 577-614
Page 7

any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



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